

Alan Lloyd Kessler, OSB No. 150209
2725 SE 36th Ave.
Portland, Oregon 97202
Telephone: (503) 860-1020
E-mail: ak@alankessler.law
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

Monica Klein,
Plaintiff,

v.

Marian Cannell, Shelter Operations
Manager for Multnomah County, in
her individual capacity; and
Multnomah County, a municipal
corporation of the State of Oregon,
Defendants.

Case No.: 3:24-CV-00229-AN

STIPULATED MOTION TO REMAND

MOTION

Pursuant to 28 U.S.C. § 1447(c), Monica Klein ("Plaintiff") moves the Court for an Order remanding this action back to Multnomah County Circuit Court. Remand is proper because this matter no longer presents any question of United States Law.

The motion has been agreed to by Ashley Bannon Moore, counsel for Marian Cannell and Multnomah County (“Defendants”) and is supported by the following Memorandum of Points and Authorities and the Court Record, incorporated by reference.

MEMORANDUM OF POINTS AND AUTHORITIES

On January 3, 2024, Plaintiff, filed a Complaint in this civil action against Defendants Marian Cannell and Multnomah County, in Multnomah County Circuit Court, Case No. 24CV00293. Defendants timely removed the Action to this Court on February 2, 2024 based on this Court’s original and supplemental jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367. ECF 1.

On January 29, 2024, Plaintiff filed her First Amended Complaint, which alleges only causes of action under Oregon law. ECF 7.

A court may decline or retain exercise supplemental jurisdiction in its discretion where it “has dismissed all claims over which it has original jurisdiction.” 28 U.S.C. §1367(c)(3). In exercising that discretion, a court should consider “economy, convenience, fairness, and comity.” *Acri v. Varian Assocs.*, [114 F.3d 999, 1001](#) (9th Cir. 1997). “When the balance of these factors indicates that a case properly belongs in state court, as when the federal-law claims have dropped out of the lawsuit in its early stages and only state-law claims remain, the federal court should decline the exercise of jurisdiction by dismissing the case without prejudice.” *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988).

1 The matter at bar is in the very early stages: the pleadings have not been
2 answered, the Court has decided no substantive motions, the parties have conducted no
3 discovery. Only state-law claims remain. Defendants do not object to a remand. The
4 factors weigh in favor of remand.

5 Based on the foregoing, Plaintiff respectfully urges the court to decline to exercise
6 supplemental jurisdiction over this state-law matter and remand this action to Multnomah
7 County Circuit Court, without fees or costs to either party.

8
9 Respectfully Submitted.

10
11 DATED: March 4, 2024.

12 /s/ Alan Lloyd Kessler
13 Alan Lloyd Kessler, OSB No. 150209
14 2725 SE 36th Ave.
15 Portland, OR 97202
16 *ak@alankessler.law*
17 *Attorney for Plaintiff*

18
19 So stipulated,

20 JENNY M. MADKOUR, COUNTY ATTORNEY
21 FOR MULTNOMAH COUNTY, OREGON

22 /s/ Ashley Bannon Moore
23 Ashley Bannon Moore, OSB No. 113219
Senior Assistant County Attorney
Of Attorneys for Defendants